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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,455	07/09/2003	Corey E. Hoffman	WEAT/0394	1030

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EXAMINER
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COLLINS, GIOVANNA M

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/616,455	<b>Applicant(s)</b> HOFFMAN ET AL.	
	<b>Examiner</b> Giovanna M. Collins	<b>Art Unit</b> 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

***Claim Objections***

Claim 20 is objected to because this claim recites the limitation "the polished bore receptacle" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim as this limitation has not been previously recited.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4, 9-11, 15-19 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Rytlewski et al. 5,704,426.

Referring to claim 1, Rytlewski discloses (fig.5-7) a method of treating a well, comprising: positioning a selective treatment assembly (col. 7, lines 56-59) with a plug assembly (50) in a wellbore proximate an area of interest, the selective treatment assembly having a treatment portion; treating the area of interest; isolating (fig. 6) a treated portion of the wellbore from an untreated portion by removing a portion of the selective treatment assembly from the wellbore (col. 8, lines 39-41); equalizing the pressure between the untreated portion of the wellbore and the surface of the well; and completing the well (col. 8, lines 42-52).

Referring to claim 2, Rytlewski discloses activating a seal (at 62) to isolate an area of interest.

Referring to claim 3, Rytlewski discloses deactivating a seal ( at 62) and urging the assembly toward the surface of the well (col. 8, lines 39-41).

Referring to claim 4, Rytlewski discloses pumping fluid through a plurality on injection ports on the treatment portion (col. 7, lines 56-59).

Referring to claim 9, Rytlewski discloses a positioning perforating gun (70) and perforating a string of casing.

Referring to claim 10, Rytlewski discloses the plug assembly (50) is secured by a mechanical connection.

Referring to claim 11, Rytlewski disclose releasing the mechanical connection (see col. 8, lines 39-41) to separate the plug portion form the assembly.

Referring to claims 15, Rytlewski discloses the assembly is inserted by coiled tubing (56).

Referring to claim 16, Rytlewski discloses the assembly is inserted by coiled tubing (56) and a string of jointed pipe (at 54).

Referring to claim 17, Rytlewski discloses moving the assembly to a second area of interest to isolate and treat the second area of interest (col. 7, lines 56-60)).

Referring to claim 18, Rytlewski discloses (fig.5-7) a method of treating a well, comprising: positioning a selective treatment assembly (col. 7, lines 56-59) with a plug assembly (50) in a wellbore proximate an area of interest, activated the selective treatment assembly and treating the area of interest ; deactivating the assembly and urging the assembly and plug assembly toward the surface of the well (col. 8, lines 36-41), isolating a treated portion form an untreated portion; equalizing the pressure

Art Unit: 3672

between the untreated portion of the wellbore and the surface of the well by removing the selective treatment assembly from the treated portion of the wellbore.; removing the plug and producing the well (col. 8, lines 42-53).

Referring to claim 19, Rytlewski discloses a positioning perforating gun (70) and perforating a string of casing.

Referring to claim 21, Rytlewski discloses removing the plug with a retrieval tool (col. 8, lines 44-45).

Referring to claim 22, Rytlewski discloses the plug portion (50) is secured by a mechanical connection.

Referring to claims 23, Rytlewski discloses the assembly is inserted by coiled tubing (56).

Referring to claim 24, Rytlewski discloses the assembly is inserted by coiled tubing (56) and a string of jointed pipe (at 54).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3672

2. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rytlewski '426 in view of Baker 4,372,393.

Rytlewski discloses the method as disclosed in claim 1 but does not disclose sitting the plug portion in a polished bore receptacle disposed in a string of casing. Baker teaches having a polished bore receptacle with sealing elements to have good sealing integrity. As it would be advantageous to have good sealing integrity it would be obvious to one of ordinary skill in the art to modify the method disclosed by Rytlewski to have a polished bore receptacle as taught by Baker.

Referring to claim 7, Rytlewski discloses removing the plug with a retrieval tool (col8. lines 44-45).

3. Claims 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rytlewski '426 in view of Baker 4,372,393 as applied to claim 5 and further in view of Simpson 6,457,532.

Referring to claim 6, Rytlewski, as modified, does not disclose attaching a string of production tubing to or above a polished receptacle. Simpson teaches it is known in the art to attach production tubing to existing casing (see col. 1, lines 11-20). As it would be advantageous to have attach production tubing if the casing becomes damaged, it would be obvious to one of ordinary skill in the art to modify the method disclosed by Rytlewski to attach production tubing above or to a polished receptacle (via the casing string) as taught by Simpson.

Art Unit: 3672

4. Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rytlewski '426 in view of Tolman '184.

Rytlewski discloses the method of claim 11 but does not disclose a mechanical connection is a shear pin. Tolman teaches a shear pin is a type of releasable mechanical connection (col. 13, lines 55-57). As it would be advantageous to have a shear pin that connects the plug to the assembly and is easily released with ready to set the plug, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the method disclosed by Rytlewski to have a shear pin as taught by Tolman to have a shear pin.

5. Claims 13-14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rytlewski '426 in view of Rosenthal 3,642,064.

Referring to claims 13-14, Rytlewski discloses the method of claim 1 but does not disclose an x lock profile connection. Rosenthal teaches a plug with an x-lock profile seated in a profile to help to ensure a plug will stay in place. As it would be advantageous to have connection to ensure the plug will stay in place when fluid exerts a pressure beneath it, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the method disclosed by Rytlewski to have an x-lock profile.

4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rytlewski '426 in view of Baker 4,372,393 as applied to claims 5 and 18 and further in view of Simpson '532.

Referring to claim 20, Rytlewski, as modified, does not disclose attaching a string of production tubing to or above a polished receptacle. Simpson teaches it is known in the art to attach production tubing to existing casing (see col. 1, lines 11-20). As it would be advantageous to have attach production tubing it the casing becomes damaged, it would be obvious to one of ordinary skill in the art to modify the method disclosed by Rytlewski to attach production tubing above or to a polished receptacle (via the casing string) as taught by Simpson.

### ***Response to Arguments***

5. Applicant's arguments filed 1/11/06 have been fully considered but they are not persuasive. The applicant argues the Rytlewski discloses isolating the treated portion and then removing the treatment apparatus. However, the applicant is wrong the Rytlewski reference teaches that the isolation a treated portion is a two part step where the treatment portion has be moved in order to place the plug above the treated portion (see fig. 6 and col. 8, lines 29-34) and the plug is set, of the rest of the treatment portion is removed. The applicant's invention works in a similar manner first the treatment assembly is removed so the plug is placed in a position above the treated portion and set in place with lock (fig. 4) and then the rest of the treatment portion is removed.

The applicant argues the Rytlewski reference does not disclose equalizing the pressure between the untreated portion of the wellbore and the surface of the well. The applicant discloses the pressure is equalized by exposing the untreated portion to the



Art Unit: 3672

surface. Similarly, Rytlewski discloses exposing the untreated portion (above plug 50) to the surface. Therefore the Rytlewski is capable of equalizing the pressure between the untreated portion and the surface.

The applicant argues the Baker sealing assembly teaches away for the sealing assembly of Rytlewski. The applicant is reminded, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). The Baker reference was used for its teaching on polished bore receptacles having a good smooth area to provide good sealing.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3672

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna M. Collins whose telephone number is 571-272-7027. The examiner can normally be reached on 6:30-3 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
gmc

  
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